

United States District Court

for the
Western District of New York

United States of America

v.

MATTHEW A. URQUHART

Defendant

Case No. 18-MJ- 4/41



CRIMINAL COMPLAINT

I, KENNETH A. JENSEN, JR., Special Agent with the United States Federal Bureau of Investigation, the complainant in this case, state that the following is true to the best of my knowledge and belief:

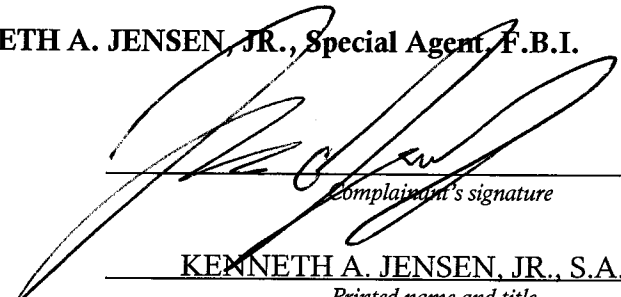
On or about and between January 26, 2018 and June 22, 2018, in the Western District of New York, the defendant MATTHEW A. URQUHART violated Title 18 U.S.C. §§ 2252A(a)(2)(A), 2252A(a)(5)(B) and 2252A(b)(2), offenses described as follows:

the defendant did knowingly receive, distribute and possess child pornography, including child pornography involving prepubescent minors, that had been shipped or transported using any means or facility of interstate or foreign commerce or that had been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2)(A), Title 18, United States Code, Section 2252A(a)(5)(B) and Title 18, United States Code, Section 2252A(b)(2).

This Criminal Complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF KENNETH A. JENSEN, JR., Special Agent, F.B.I.

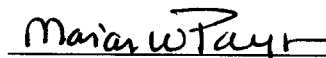
☒ Continued on the attached sheet.



Complainant's signature
KENNETH A. JENSEN, JR., S.A., F.B.I.
Printed name and title

Sworn to before me and signed in my presence.

Date: October 9, 2018



Judge's signature

City and State: Rochester, New York

MARIAN W. PAYSON, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) ss:
CITY OF ROCHESTER)

18-mj-4141

I, KENNETH A. JENSEN JR., having been duly sworn, state as follows:

1. I have been a Special Agent of the FBI since 2002, and am responsible for conducting investigations involving child pornography and child exploitation offenses. This affidavit is submitted in support of a criminal complaint charging MATTHEW A. URQUHART "URQUHART" with violations of Title 18, United States Code, Sections 2252A(a)(2)(A) (distribution and receipt of child pornography), and 2252A(a)(5)(B) & 2252A(b)(2) (possession of child pornography, including child pornography involving prepubescent minors).

2. This affidavit is based on my investigation, my own personal knowledge, and information provided to me by members of the law enforcement community. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts necessary to establish probable cause to believe that URQUHART did knowingly violate Title 18, United States Code, Sections 2252A(a)(2)(A), 2252A(a)(5)(B) and 2252A(b)(2).

3. On May 8, 2018, an undercover agent (the UC) in Rochester, New York, was investigating individuals who use Peer to Peer networks to share files containing child pornography. A Peer to Peer network allows individual internet users from around the

world to interconnect and share electronic media via the Internet. Because Peer to Peer networks utilize the internet, they operate utilizing a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, by computer. The UC identified a computer that was offering to distribute child pornography using IP address 66.66.81.128. The UC obtained a video file directly from that IP address, which is described as follows:

- a. File Title: (pthc) BabyJ Quite Delightful – Our Lil’ Operation Done 6yo Prepared For Life By Daddy – Newage Frifam (48m58s).mpg

Description: The video portions show two scenes. The first depicts a close up view of an adult male penis anally penetrating a nude, prepubescent, 3 to 6 year old female child. The male then ejaculates on the nude genital area of the female child. The second scene shows a nude, prepubescent female child of the same age range, on her hands and knees and depicts the lascivious exhibition of the child’s genitals from the rear.

4. On May 08, 2018, a subpoena was issued to Charter Communications requesting information regarding the user of the IP address at the time the above-described file was obtained. Charter Communications provided the following subscriber information:

Name:	Ruthie Urquhart
Address:	26 Chapin Street
	Trlr 27, Apt. 27
	Seneca Falls, NY 13148-2049
Username:	BBORT2@rochester.rr.com
Phone:	(315) XXX-XXXX

A public record check revealed that MATTHEW A. URQUHART was a recent resident of 26 Chapin St., Apt. 27., Seneca Falls, NY.

5. After receiving the foregoing information, I performed a search of a law enforcement tool (hereinafter “tool”) that records information concerning individuals who use their computers to share child pornography. The tool recorded various child pornography files being shared by IP address 66.66.81.128 beginning on November 15, 2017, and as recently as May 8, 2018. Also recorded by the tool is a value called Client Hash.¹ The Client Hash associated with IP address 66.66.81.128 during the time it was found to be used to share child pornography was 7FD9C51FFE0EB1469AB650FC18B66F6D.

6. The tool records the hash value associated with the files that users are offering to share. In addition, when a member of the law enforcement community obtains a copy of the file, the tool allows a description to be associated with that file. Below are examples of some of the files that have been offered by IP address 66.66.81.128 between November 15, 2017, and May 8, 2018.

Date offered	Description
01/26/2018	This video depicted a nude prepubescent Caucasian girl with long brown hair. She appeared to be approximately 5 to 7 years in age. As the video began, the girl was seen reclining on a disheveled bed covered with white pillows and a white sheet. A nude Caucasian adult male entered the video and laid horizontally on the bed. A black fabric lay on the adult male's right bicep while his arms were above his head. The only part of the adult male face seen was his hairy chin. The girl sat in the background to the adult male's left. She grasped the adult male's penis in her left hand. The girl rubbed the male's penis on her face and performed oral sex. The scene changed and depicted the girl lying on her chest with her legs spread. The adult male positioned himself behind the girl and used his right hand to rub his penis on her vagina and anus. Meanwhile, the girl assisted the male by using her hands to spread her buttocks.
02/19/2018	This video depicts a naked pre-pubescent female girl wearing a

¹ A Client Hash is a value that identifies a specific installation of a program on a specific computer.

	black ski mask, with her breast area and genitalia exposed. Also present is a naked adult male lying on his back and with his erect penis exposed. The young girl then climbs on top of the adult male's pelvis area and facing away from the adult male's face. The adult male then penetrates the young girl's vagina and has vaginal intercourse with her. Half way through the video, the young girl changes position and now facing the adult male, where they still have vaginal intercourse. I believe this young girl to be between 8 and 11 years of age, due to her body size comparison/development, no breast development and no pubic development.
02/20/2018	This movie depicts a prepubescent female child, approximately 4-6 years of age. The child is first seen only in panties. She then removes her panties and the camera focuses on her vagina. She is then seen spreading her vagina open and then being vaginally penetrated by an adult male's penis. The adult male ejaculates on her vagina. The child is then vaginally penetrated again by an adult male's penis. The adult male then ejaculates on the child's stomach. The child's vagina is then shown being digitally penetrated by an adult male's hand and a Sharpie brand permanent marker. The female child is then vaginally penetrated by an adult male's penis until he ejaculates on her stomach again.
03/15/2018	Very young preteen girl, appearing to be between 5-7 years of age performing oral sex on an adult male. At the 1:47 mark, the girl is laying on a bed with no pants on exposing her genitals area. The girl begins to masturbate herself. At the 5:00 minute mark, the girl is again being shown performing oral sex on the adult male.
04/25/2018	The video depicts a naked pre-pubescent female or girl lying on a bed and on her side. The young girl's vagina and anus are visible at this time, with the camera zooming in on her genitalia. The young girl then starts performing oral sex on a adult male's penis, while in various positions. At or about the 6 minute mark the video changes to the same young girl, still naked and on her back while tied up with yellow rope and while wearing thigh-high black stockings. An adult male fondles, masturbates and digitally penetrates the young girl's vagina. The young girl again performs oral sex on this adult male's penis, while tied up. I believe this young girl to be between 8 and 10 years of age, due to her body size comparison/development, no breast and no pubic development.

7. More recently, the user assigned client hash 7FD9C51FFE0EB1469AB650FC18B66F6D has continued to share child pornography from a new IP address. That IP address is 24.93.16.161. Below are examples of some of the

files that have been offered by IP address 24.93.16.161 (and client hash 7FD9C51FFE0EB1469AB650FC18B66F6D), between May 12, 2018, and June 2, 2018, and their descriptions.

Date offered	Description
05/12/2018	Pre-pubescent female possibly in front of a webcam. The female shows her breasts and genital area to the camera. At 2 minutes and 7 seconds a pencil has been placed between her buttocks and may have penetrated her anus.
06/02/2018	This is a movie file that depicts a 2 or 3 year old female child on a bed totally nude. An adult male rubs his penis on the child's vagina, the child performs oral sex on the adult male, and the male performs oral sex on the child. The male ejaculates on the crying child.

8. On June 13, 2018, a subpoena was issued to Charter Communications requesting information regarding the user of IP address 24.93.16.161 at the time that the two files described in the preceding paragraph were being offered for download. In response, Charter Communications provided the following information:

Name:	Ruthie Urquhart
Address:	26 Chapin Street Apt. 27, BLDG TRLR Seneca Falls, NY 13148
Username:	raupurple@yahoo.com
Phone:	(315) XXX-XXXX

9. New York State Department of Motor Vehicles Driver's License records showed that MATTHEW URQUHART resided at 26 Chapin Street, Lot 27, Seneca Falls, New York. The same records indicated the only vehicle with a valid registration associated with URQUHART was registered at the same address.

10. Based on the above, I secured a search warrant for 26 Chapin St., Lot 27, Seneca Falls, which was executed on June 22, 2018. At the time of the search warrant the residence was unoccupied. I learned from witnesses that URQUHART had resided at the residence, but had recently moved. The witnesses provided a new address for URQUHART at 86 East North Street, #1, Geneva, New York. During the search of 26 Chapin St., a number of items of evidence were seized, to include a Compaq Presario Desktop computer.

11. Later on June 22, 2018, I responded to 86 East North Street, #1, Geneva, New York, where I encountered URQUHART at his front door. URQUHART positively identified himself to agents and agreed to speak with us inside his home.

12. While inside his home I engaged in a non-custodial interview with URQUHART. URQUHART was not restrained in any way and was not placed under arrest. During the interview, URQUHART was told about the execution of the search warrant at his previous residence, 26 Chapin St., and asked if he knew why a search warrant would have been granted. Initially, he responded that it would have been for the porn. After being told that adult pornography was not illegal, URQUHART stated that it would have been for "child porn" and that he had tried to "stop" many times in the past. When asked what he used to view child pornography, URQUHART responded by pointing to an HP laptop computer located at his feet, which was in my view.

13. URQUHART then provided agents consent to search his residence at 86 East North Street, #1 and assisted agents in locating items of electronic evidence. Several items of evidence were secured, including the HP laptop computer that URQUHART stated he

used to view child pornography, and his current cellular telephone (a Motorola Droid with Pittsburgh Steelers protective case).

14. URQUHART reiterated to agents that he had tried multiple times to stop his involvement with child pornography. URQUHART stated that he had sought help from counselors and that he feared being caught and was disgusted with himself. URQUHART stated that he would regularly delete the child pornography from his devices after viewing it. URQUHART stated that the desktop computer located at his previous residence (26 Chapin St.) was owned by his mother. He stated that he did not think the desktop contained child pornography because he had wiped it so that he could try to sell it.

15. While at the residence, I showed URQUHART screen capture images of the child pornography video referenced in paragraph 4(a) above, which was distributed to the UC on May 8, 2018. URQUHART admitted that he recognized the screen captures and file title as having come from his computer. URQUHART then initialed the images. URQUHART explained to agents how Peer to Peer applications worked, and admitted that he believed that others could obtain child pornography from his computer while he was connected. URQUHART denied having subjected any minor children to sexual contact and agreed to submit to a polygraph at a later date regarding the same.

16. Items seized from URQUHART's residence were submitted to the Regional Computer Forensics Laboratory (RCFL) for a full forensic analysis. The Compaq Presario Desktop seized from 26 Chapin Street, Lot 27, Seneca Falls, New York, was analyzed by the RCFL and found to contain multiple images of child pornography, including the following:

- a. [31293440].jpeg – carved – an image depicting a clothed prepubescent female child with her mouth on an adult’s penis.
- b. [91906048].jpeg – carved – A composite image depicting multiple prepubescent female children engaged in sexually explicit conduct and the lascivious exhibition of the children’s genitals.
- c. [23236608].jpeg – carved – An image depicting a prepubescent female child, nude from the waist down with her legs spread, exposing her genitals in a lascivious manner.
- d. [49311744].jpeg – carved – An image depicting the vaginal area of an infant to toddler aged female. There is an adult male penis and hand in the image making it appear as if the penis is rubbing the genital area of the child victim.
- e. [73228288].jpeg – carved - A composite of 4 separate images depicting the same pubescent female child engaged in sexually explicit conduct with an adult male.

The hard drive located within the desktop contains the trade inscription “Product of Thailand.” The chasis of the desktop contains the trade inscription “Product of Mexico.”

17. The HP laptop computer seized from 86 East North Street, #1, Geneva, New York, which was identified by URQUHART as a computer that he used to obtain child pornography, was also analyzed by the RCFL. The HP laptop was found to contain multiple images and videos of child pornography, including the following:

- a. [10097].jpg – carved – An image depicting the genital area of a partially clothed, pre-pubescent female child. The child’s hand is seen positioned near her vaginal opening. An adult male penis can be seen in the background behind the child’s hand.
- b. [18412].jpg – carved – An image depicting an prepubescent female child being digitally vaginally penetrated by an adult.
- c. [202134].jpg – carved – An image depicting an infant to toddler aged female child, completely nude, with an adult male penis in her hands and mouth.

- d. [477022].jpg – carved – An image depicting a close up of the nude genital area of two pre-pubescent female children.
- e. [55041544].jpg - An image depicting a nude, pre-pubescent child lying on her back with an adult male penis positioned near the victim's genital area. It appears that the male ejaculated on the child's genitals and stomach.
- f. [84537].jpg - An image depicting a close up of the nude vaginal and anal areas of an infant to toddler aged female. Also present is an adult hand spreading the victim's labia, and an adult male penis positioned for anal penetration.
- g. From recycle bin - \$RQQ6M5U.avi – A video depicting an adult male engaged in anal intercourse with a prepubescent female child.
- h. From incomplete - ed2k_7ba718b69b74b96a74844448f9159c13.partial.avi – A video depicting a prepubescent female child undressing for the camera. The child lowers her pants, fondles her genitals and spreads her labia for the camera view. Later, the victim can be seen on her back digitally penetrating her anus. Next, a prepubescent female child is seen performing oral sex on an adult male.

The hard drive located within the laptop contains the trade inscription "Product of Phillipines." The trade inscription "Made in China" appears on the back of the laptop.

18. On September 7, 2018 URQUHART came to the Corning FBI office for the purpose of taking a polygraph examination regarding any physical sexual contact with children. URQUHART was not in custody, was free to leave, and was never physically restrained. At the conclusion of the examination, URQUHART made further admissions concerning his involvement in child pornography. I presented URQUHART with a typed written statement summarizing the admissions that URQUHART made on both June 22, 2018 and September 7, 2018. URQUHART read the statement in my presence, made a correction with respect to his employer's information, and acknowledged that the statement was true and correct by initialing and signing it.

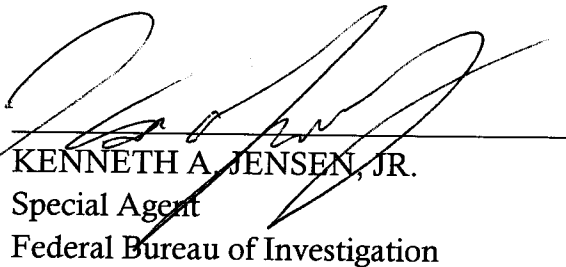
19. In his written statement, URQUHART again confirmed that he had a problem with child pornography for most of his adult life and that he “consumed child pornography on and off for that entire time.” URQUHART stated that he used Peer to Peer applications to obtain and view child pornography, that he has viewed child pornography depicting children as young as 3 to 4 years of age, and that he has masturbated while viewing child pornography. URQUHART stated that he has used search terms such as “PTHC,” which he stated stood for “preteen hardcore,” to search for child pornography. URQUHART denied producing child pornography or engaging in voyeuristic activity with children, but acknowledged his belief that he had made child pornography available to others through his computer by connecting to the Peer to Peer network.

20. When asked about possible past sexual contact with children, URQUHART stated that on one occasion, he was “half asleep” while sitting next to his friend’s child in the home that he shared with the child and the child’s mother. URQUHART stated that the child proceeded to place URQUHART’s hand on her vagina through clothing. URQUHART stated that his hand was on the child’s vagina, through clothing, for approximately five seconds and that he removed his hand when he realized what was happening. It is estimated that the child was 3 to 4 years of age at the time of this incident.

21. Following the September 7, 2018 interview, law enforcement identified and contacted the family of the child that URQUHART referenced in his September 7 interview. A forensic interview was arranged for October 3, 2018 at a Child Advocacy Center near the child’s home. During the interview, the child made various statements, but did make any disclosures concerning sexual abuse.


CONCLUSION

22. Based on the foregoing, the undersigned respectfully submits that there is probable cause to believe that that MATTHEW A. URQUHART did violate Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).



KENNETH A. JENSEN, JR.
Special Agent
Federal Bureau of Investigation

Sworn to before me this
9 day of October 2018.



MARIAN W. PAYSON
United States Magistrate Judge